

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

EFFIREM ZIMBALIST GREEN

PLAINTIFF

v.

Civil No. 4:18-cv-04142

SERGEANT BYRON GRIFFIE;
LIEUTENANT ALICE MILLER;
CAPTAIN GOLDEN ADAMS;
WARDEN JEFFIE WALKER; and
NURSE STEVEN KING

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion for Subpoena. (ECF No. 33). The Court has determined that no responses from Defendants are necessary to rule on the motion.

In his motion Plaintiff asks:

To subpoena the video and audio recordings of the event that happened on these dates 10-23-18 10-24-18 and 10-25-18. The reason why Im asking the Courts to obtain this evidence is because...I only have a certain amount of time befor those tapes are destroyed, To my understanding, I only have six month befor they are destroyed...

(ECF No. 33).

First, Plaintiff's request does not identify the party or person from whom he is seeking the video and audio tapes. In addition, if Plaintiff's request is meant to obtain tapes from a Defendant, Plaintiff must first submit his discovery request to Defendant's counsel and allow thirty (30) days for the Defendant to respond to such request. Fed. R. Civ. P. 33-34. If Defendants(s) fail to respond to any discovery requests within the thirty (30) day period, Plaintiff must then confer or attempt to confer with the Defendants in a good faith effort to obtain the requested information before seeking court intervention. Fed. R. Civ. P. 37(a)(3)(B) and Local Rule 7.2(g).

Plaintiff has failed to show he made any effort to send his request to Defendants and confer with them before filing the instant motion. Plaintiff should send a letter to defense counsel and state exactly what information he is seeking and try to resolve any discovery disputes before filing a motion with the Court. Defense counsel, in turn, should fully comply with the obligations of discovery or state a clear explanation for noncompliance. If this effort does not produce the information Plaintiff seeks, he may then reassert his motion.

Accordingly, Plaintiff's Motion for Subpoena (ECF No. 33) is **DENIED**.

IT IS SO ORDERED THIS 26th day of March 2019.

/s/ *Barry A. Bryant*

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE